IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3028 OF 2004

1.Laxman Ganpat Parekar ..
2.Vitthal Ganpat Parekar ..
3.Pandurang Ganpat Parekar ..
4.Dnyandeo Laxman Parekar ..
5.Dattu Pandurang Parekar .. Applicants.

Vs.

State of Maharashtra .. Respondent.

Mr.S.U.Dhakepalkar for the applicants.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 10TH AUGUST, 2004

P.C.:

. Heard Mr.Dhakepalkar, learned counsel for the applicants and Mr.Mirza, learned A.P.P. for the respondent.

2. The applicants have approached this court for being released on bail in C.R.No.I-20/2004 registered at Indapur taluka police station mainly under section 302 of Indian Penal Code. The alleged occurence took place on 7.2.2004 at about 8.30 p.m. in which one Pandurang Phadtare was murdered by the applicants.

3. Mr.Dhakepalkar, learned counsel for the applicants submitted that in so far as applicant no.3 - Pandurang and applicant no.5 - Dattu are concerned, the manner in which they are alleged to have assaulted the deceased, it creates doubt about the role allegedly played by them. According to Mr.Dhakepalkar, the injuries on the head of the deceased would have been more, if, what the eye witnesses have stated was true. He, therefore, submitted that the role of applicant no.3 - Pandurang and applicant no.5 - Dattu could be separated from the role of other applicants. In the alternative Mr.Dhakepalkar submitted that all male members in the family are in custody and they being agriculturists their families are suffering tremendous hardship and, therefore, atleast applicant no.3 - Pandurang Parekar, who is elderly person in the family, be released on bail on humanitarian ground. It appears that there was as an enemity between the informant and the deceased on one side and the accused persons on the other. Applicant no.1 - Laxman and applicant no.2 - Vitthal, allegedly assaulted the deceased with iron rod. Applicant No.4 - Dnyandeo allegedly inflicted the first blow on the head of the deceased with stone while applicant no.3 - Pandurang and

applicant no.5 - Dattu also allegedly assaulted the deceased with stone. The statements of all the witnesses in so far as the assault on the deceased is concerned are consistent. Moreover, the autopsy report also supports the allegations against the applicants. I am satisfied that there is sufficient material on record to show the complicity of the accused.

4. Though it is not possible to separate the role of applicant no.3 - Pandurang from others as tried to be contended by Mr.Dhakepalkar, keeping in view that all adult male members in the family are in custody and considering that the applicants are agriculturist and sowing season is going on I would like to give an advantage of his age and grant bail purely on humanitarian ground.

. Applicant no.3 - Pandurang is, accordingly, directed to be enlarged on bail on his furnishing a personal bond of Rs.25,000/- with one or two sureties of the like amount to the satisfaction of the trial court, subject to the condition that he shall report the concerned police station on every Wednesday and Saturday between 10.00 a.m. and 11.00 a.m. until the conclusion of trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)